

## **REMARKS**

Applicants thank Examiner Cronin for his time and courtesy during the July 8, 2005 telephonic interview with one of the Applicants, Ms. Rebecca Frye, and with the Applicants' representative, Attorney Michael Rodriguez. Applicants are particularly appreciative of the Examiner's assistance in identifying differences between the cited references and the Applicants' invention as potential avenues of patentability.

Claims 1, 2, 4, and 6-20 were presented for examination. The Office Action dated June 1, 2005 rejects claims 1, 2, 4, and 6-20. This paper cancels claim 14, amends claims 1, 2, 4, 16, and 17-19, and adds claims 21-25. Support for the amendments can be found in paragraph 14. This paper also amends paragraph 14 to correct a clearly erroneous comparison between the lengths of the front and back edges. Support for this correction can be found in FIG. 1. In general, support for the new claims can be found throughout the specification and figures, particularly, in paragraphs 17, 21, and in FIG. 1. Claims 1, 2, 4, 6-13, and 15-25 are now pending in the application.

### **Rejection under 35 U.S.C. 112, second paragraph**

The Office Action rejects claims 1, 2, 4, 10 and 6-20 under 35 U.S.C. 112, second paragraph, as being indefinite. The amendments to independent claims 1, 16, and 17 remove the indefinite limitation identified in the Office Action. Accordingly, Applicants respectfully submit that such amendments overcome this rejection.

### **Rejection under 35 U.S.C. 102(b)**

The Office Action rejects claims 1, 4, 6-10, 12, 14, 16, and 17 under 35 U.S.C. 102(b) as anticipated by Baird (U.S. Patent No. 5,842,584). Applicants respectfully traverse this rejection – to the extent it is maintained against the

amended claims – because Baird does not disclose every element and limitation of the Applicants' invention as now claimed.

As now set forth in representative claim 1, the Applicants' forearm carrier has a carrier body with a narrower width at a front edge than at a back edge. Accordingly, the carrier body forms a tapered sleeve that conforms to a shape of the forearm when a user wears the carrier on the forearm.

Baird discloses a belt (10) for attachment to a power tool, namely, a drill. The belt includes a strap (25) and a pad (27) attached to the strap. The pad has sleeves for receiving and holding elongated articles. Unlike the Applicants' invention, however, Baird's belt is rectangular (see FIG. 2) and, thus, does not have a narrower width at its front edge than at its back edge, as now set forth in the Applicants' claimed invention. Accordingly, the belt does not form a *tapered sleeve* when attached to the drill. Therefore, Baird does not anticipate the Applicants' invention because it does not disclose every element and limitation of the Applicants' invention as now set forth in claim 1.

Moreover, Baird does not suggest a tapered sleeve, as set forth in the Applicants' claims. Although a drill has a shape that narrows considerably, Baird does not suggest a tapered belt that conforms to the drill's narrowing shape because such a tapered belt would bring articles, which project from loops in the belt, into closer and perhaps dangerous proximity of a spinning chuck. Applicants respectfully submit, therefore, for the above-stated reasons that the 35 U.S.C. 102(b) rejection to the claims is overcome.

Independent claims 16 and 17 have been amended to recite language similar to that of independent claim 1. Therefore, Applicants submit that such independent claims are also patentably distinguishable over Baird for at least those reasons provided in connection with claim 1. In addition,

dependent claims 4, 6-10, and 12 depend directly or indirectly from patentable independent claim 1, and incorporate all of its respective limitations, and, therefore, are patentably distinguishable over the cited references for at least those reasons provided in connection with independent claim 1. Moreover, each dependent claim recites an additional limitation, which, *in combination with the elements and limitations of independent claim 1*, further distinguishes that dependent claim from the cited references, whether taken alone or in combination. Therefore, the Applicants respectfully submit that the rejection against claims 4, 6-10, 12, 16, and 17 is also overcome.

**Rejection under 35 U.S.C. 103(a)**

The Office Action rejects claims 1, 2, 4, 8-13, and 15-20 under 35 U.S.C. 103(a) as being unpatentable over Banoun (U.S. Patent No. 4,901,464) in view of Dent (U.S. Patent No. 4,765,472). Applicants respectfully traverse the rejection – to the extent it is maintained against the amended claims – because the cited references, whether taken alone or in combination, do not disclose or suggest every limitation of the Applicant's invention.

Banoun discloses a gun disassembly and cleaning kit. The kit employs a strap for holding the implements used to disassemble and clean guns. One end of the strap is attached to a surface of the kit and the other end is free. Ribs of material on the surface of the kit define storage spaces. The free end of the strap weaves through gaps in these ribs and around any implement placed in a storage space. When the strap is pulled tight, the implements are held fast. The kit rolls up into a carrying case, and the strap latches onto itself, keeping implements held tightly into place.

Dent shows a tool holder that is for mounting onto a conventional bucket with a loop handle. The tool holder has pockets formed on one side. Hook and loop fastener elements are on opposite sides and on opposite ends of the tool holder. These fastener elements join the ends together when the tool holder is wrapped around the exterior side of the bucket. The tool holder hangs loosely from the bucket handle by snap hooks.

The Office Action suggests that it would be obvious to one of ordinary skill in the art to modify Banoun in order to include Dent's fastener elements at opposite ends of Banoun's kit. Applicants' respectfully submit, however, that there is no motivation to make this modification. For one, Banoun's kit does not wrap around an object; it rolls up into itself. When rolled up, one end of Banoun's kit is in the center of the roll, while the other end is at the outer layer of the roll. If opposite ends of Banoun's kit were modified to include Dent's fastener elements, then the kit could not be rolled up as designed in order to join the fastener elements. Because such a modification would entirely alter Banoun's principle of operation, there is no motivation for the modification.

Moreover, unlike the Applicants' invention, neither Banoun nor Dent shows or suggests a carrier body that has a narrower width at the front edge than at the back edge. Accordingly, neither Banoun's kit – when rolled up – nor Dent's tool holder – when wrapped around and hanging loosely from a bucket – forms a tapered sleeve that conforms to the shape of a forearm. Because Banoun and Dent, whether taken alone or in combination, do not disclose or suggest a carrier body with a narrower width at the front edge than at the back edge, as now set forth in the Applicants' claims, the Applicants respectfully submit that the 35 U.S.C. 103(a) rejection to the claims is overcome.

Applicants further note that of those references cited in the previous Office Action, dated December 8, 2004, Kravchenko shows an ankle bag that has a narrower width at a bottom edge than at a top edge. However, the arguments presented in the Applicants' response to the December 8, 2004 Office Action still hold, as Kravchenko does not disclose or suggest the Applicants' claimed forearm carrier with its compartment that snugly receives an article, urges that article against the center portion, and enables the article to project out of the compartment, as set forth in the Applicants' claimed invention.

Independent claims 16 and 17 have been amended to recite language similar to that of independent claim 1. Therefore, Applicants submit that such independent claims are also patentably distinguishable over Baird for at least those reasons provided in connection with claim 1. In addition, dependent claims 1, 2, 4, 8-13, 15, 18-20 depend directly or indirectly from patentable independent claims 1 and 17 and incorporate all of their respective limitations, and, therefore, are patentably distinguishable over the cited references for at least those reasons provided in connection with independent claim 1. Moreover, each dependent claim recites an additional limitation, which, *in combination with the elements and limitations of its respective independent claim*, further distinguishes that dependent claim from the cited references, whether taken alone or in combination. Therefore, the Applicants respectfully submit that the rejection against claims 1, 2, 4, 8-13, 15, and 18-20 is also overcome.

#### **Newly added claims**

With respect to newly added independent claim 21, the Applicants' invention features a cosmetics kit comprising an implement used in cosmetics and a forearm carrier that is worn on a forearm and holds the cosmetics implement. The forearm carrier has a carrier body with means for securing the

carrier body to the forearm. The forearm carrier also has an open-ended compartment coupled to the carrier body. The open-ended compartment is made of material that enables the compartment to expand and hold the cosmetics implement snugly when a portion of the cosmetics implement is inserted into the compartment through an open end.

None of the cited references, whether taken alone or in combination, teaches or suggests the Applicants' claimed cosmetics kit. For instance, Baird's belt attaches to a drill and holds drill bits and other power tool accessories; Banoun's kit is carried, not worn at all, and holds implements for cleaning and disassembly guns; and Dent's tool holder attaches to a bucket and holds small, unspecified tools. Of the references cited in the previous Office Action, Kravchenko's ankle bag is worn on the ankle, not on a forearm; Fakhrai's discloses a wristband with pockets for holding money and cards; and Rauch discloses a wristband for holding golf tees and markers. Because none of the cited references discloses or suggests a cosmetics kit having a cosmetic implement *in combination* with a forearm carrier that is worn on a *forearm*, as set forth in the Applicants' claim 21, Applicants respectfully submit that the new claim 21 is patentable as written.

Moreover, each dependent claim 22-25 recites an additional limitation, which, *in combination with the elements and limitations of independent claim 21*, further distinguishes that dependent claim from the cited references, whether taken alone or in combination. For example, claims 22-25 recite embodiments of cosmetics implements that can be held by the forearm carrier. Accordingly, Applicants respectfully submit that the new claims 22-25 are also patentable as written.

### **CONCLUSION**

While it is believed that this paper addresses all of the Office Action's rejections to the pending claims, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, the arguments presented above are not necessarily exhaustive, and there may be additional unexpressed reasons for patentability of any or all pending claims.

In view of the amendments and arguments made herein, Applicants submit that the application is in condition for allowance and request early favorable action by the Examiner.

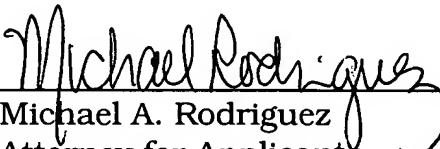
If the Examiner believes that a telephone conversation with the Applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

Applicants are filing this response within the shortened statutory period. Consequently, Applicants believe that no fee is due with this filing; however, if a fee is due please charge Deposit Account No. 502295.

Respectfully submitted,

Date: 7/29/05  
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